

exactly described the right process that we should have questioning all the time whether we are getting it right, particularly in areas of our own rights; and I think debate is well warranted.

But this amendment and the half-truths which have been perpetuated against the PATRIOT Act are not the answer.

In closing, Members might be interested to know that we have not had any specific abuse complaints brought to our attention. Let me say that again: we have not had any specific abuse complaints brought to our attention. And on the contrary, we have had significant testimony that has shown utility of the PATRIOT Act. It is not unfair to say that the PATRIOT Act has been and is a vital weapon in the war on terrorism. I would say, in my judgment, that lives have been saved, terrorists have been disrupted, and our country is safer. I fully endorse the idea of oversight by Congress, I fully endorse a reporting system for any abuses, and I am happy to report I know of none, and I think I am in a position to report fairly on that. I urge opposition to the amendment.

Mr. SANDERS. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of the Sanders amendment. Let me say that the problem of 9/11 was not with what Americans were reading in the libraries. It is what the intelligence community and the FBI were not reading from its regional offices.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, I think it would be proper to rename this amendment and call it the "partial restoration of the fourth amendment," and that is our attempt here. We are doing exactly what the gentleman early on suggested: this is oversight; this is our responsibility. This is the proper place to have the debate. It was the Congress that created the PATRIOT Act; it is the responsibility of the Congress to do something about it if it was a mistake. And it, indeed, was a mistake.

I would like to think that the American people are with us entirely, and I know a large number already are with us on trying to straighten up some of the mess caused by the Patriot Act, but I would like to say that there is one basic principle that we should approach this with, something I approach all legislation with, and that is the principle of a free society is that we never have to sacrifice liberty in order to preserve it.

The whole notion that the purpose of providing freedom and liberty to this

country is that we have to give up some, I do not believe is necessary. It is never necessary to give up freedom to preserve freedom. I do think we made some serious mistakes. We made a mistake in passing the PATRIOT Act under conditions of an emergency and under the conditions of post-9/11. We did not do a very good job at Tora Bora. We failed to find the individuals responsible for 9/11 and we have not concentrated on the people who committed this crime. Instead, we have decided to invade and occupy a foreign country rather than protecting and providing security here, at home providing freedom for our people and more security for this country.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Virginia (Chairman WOLF) for yielding me this time.

Mr. Chairman, I oppose the Sanders amendment which would make libraries and bookstores a sanctuary for terrorists. There are many misconceptions about the PATRIOT Act, but section 215 has received an unfair amount of criticism. Section 215 covers access to business records. Library records, among other types of business records, have always been accessible under this provision.

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These records have been subject to subpoenas by grand juries for more than 30 years. For example, in 1997 a murder case in Florida allowed a grand jury to subpoena the records from the public libraries in Miami.

Section 215 actually provides more protections than the subpoena powers of grand juries. First, this provision does not apply to ordinary citizens engaging in ordinary criminal activity. In order to conduct a search of records, the FBI must have a court order.

Second, there are narrow restrictions on when such a record search may take place. It can only be used to obtain foreign intelligence information concerning a noncitizen of the United States or to obtain information relating to international terrorism or clandestine intelligence activities.

Again, this type of record search is not available in ordinary crimes or even for domestic terrorism. Library records can provide a legitimate source of information on individuals planning terrorist attacks against us. If we exempt library and book store records from foreign intelligence investigations, then terrorists will know exactly how to hide what they are doing. If this amendment passes, terrorists will know that if they use computers at taxpayer-funded public libraries, the FBI would be powerless to get records of their terrorist activities. When drug dealers or crime syndicates use these computers, these very same computers, these records have always been available to grand juries. Why not the terrorist records as well?

Mr. Chairman, finally, I would like to add that this is an issue that should be considered by the Committee on the Judiciary, not as an amendment to an appropriations bill.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary, a hero of many.

Mr. CONYERS. Mr. Chairman, my congratulations to the gentleman from Vermont for bringing this forward.

Mr. Chairman, there are two ways that we can get the information from libraries, book stores, video stores, and that is through a regular criminal warrant and through a grand jury subpoena, all of which is frequently used. But doing it this way violates the fourth amendment, unreasonable searches and seizures; the fourteenth amendment, due process; the first amendment, freedom of speech; and the fifth amendment, due process.

For those who think they can call the Department of Justice's hotline and get the information, this information is classified. They will not reveal to the Committee on the Judiciary whether they have used it and how much they have used it. We know that they have through an American Civil Liberties Union lawsuit, which in the course of the suit it came out that they use it, but they will not give this information.

For those who want to suggest that the oversight by Congress will take care of the Sanders amendment, let me tell them the entire PATRIOT bill was substituted the night before it was unanimously reported from the House Committee on the Judiciary by the Department of Justice up in the Committee on Rules. So much for oversight by Congress. Support the Sanders amendment.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the freedom to read amendment. It is imperative that we do all we can to protect our country against terrorism, but reinstating laws that allow the FBI to conduct searches on libraries with search warrants and criminal subpoenas would not jeopardize national security. It would merely protect our constitutional right to privacy and make our Nation's libraries free once again.

But under the PATRIOT Act, the use of our local library is no longer free. It can cost us our civil liberties. And in the U.S. that makes it very expensive.

We are talking about the basic right to inform oneself without the threat of the Federal Government looking over their shoulder for whatever reason it likes or analyzing their intellectual curiosity for whatever reason they want. This is a chilling thought in a country that calls itself the land of the free.

The first amendment protects our right to express ourselves. We should